

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

DR. LAMAR COLLINS AND	§	
ROSE COLLINS,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 6:21-cv-657-ADA-JCM
	§	
ROBINSON INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Defendant.	§	

**DEFENDANT’S NOTICE OF NON-OPPOSITION TO PLAINTIFFS’ MOTION FOR  
LEAVE TO FILE FIRST AMENDED COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Defendant Robinson Independent School District (“Robinson ISD” or “District”) and files this its Notice of Non-Opposition to Plaintiffs’ Motion for Leave to File First Amended Complaint and would show the Court the following:

**I. NOTICE**

1. Under the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. FED. R. CIV. P. 15(a)(1). In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires. FED. R. CIV. P. 15(a)(2).

2. Defendant believes that Plaintiffs’ amended complaint would have fallen under FED. R. Civ. P. 15(a)(1)(B) but for the grant of extension for Plaintiffs to file an amended complaint, which Defendant did not oppose. Because the rules require a motion for leave based on the timing of the

extension, Plaintiffs so moved. Defendant files this notice to show that it is not opposed at this juncture to Plaintiffs' filing an amended complaint.

## **II. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant does not oppose the motion.

Respectfully submitted,

By: /s/ Kelley L. Kalchthaler  
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**ATTORNEYS FOR DEFENDANT  
ROBINSON INDEPENDENT  
SCHOOL DISTRICT**

## **CERTIFICATE OF CONFERENCE**

The undersigned counsel conferred with Mr. Walsh via e-mail on August 12, 2021 indicating Defendant's non-opposition. Mr. Walsh and the undersigned counsel agreed that a notice to the Court was the proper route to address this issue.

/s/ Kelley L. Kalchthaler

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of August, 2021, a true and correct copy of the foregoing notice was served upon Plaintiffs through their counsel as follows:

Mr. Colin Walsh  
Mr. Jairo Castellanos  
Wiley Walsh, P.C.  
1101 San Jacinto Blvd., Suite 401  
Austin, Texas 78701

***Via Electronic Case Filing***

/s/ Kelley L. Kalchthaler  
Kelley L. Kalchthaler